IN THE UNITED STATES PATENT OFFICE

Serial No.	09/473,702	:	
Filing Date:	12/29/99	:	
Inventor:	Evan Howard Lott	:	
Invention:	Method and Apparatus to	:	Group Art 3626
	Identify Uninsured Motorists	:	
Examiner:	J. D. Chance	:	

AFFIDAVIT

COMMISSIONER OF PATENTS
Washington, D.C. 20231

Comes now Richard Kasteler, after first being duly sworn and deposes and says that:

1.   He is the President of Insure-Rite, Inc., assignee of the above patent application.

2.   He is over the age of twenty-one and makes the following statements on personal knowledge and belief.

3.   He has worked in the motor vehicle insurance verification industry since 1995, and is familiar with various approaches and methodology to insure compliance with state automotive driver insurance requirements.

4.   He has competed with and is familiar with various insurance methods, such as existing systems similar to that described in Garrett (U.S. Patent No. 5,325, 291), and actively bid against them in various state solicitations. As these methods were not sufficiently accurate for instantaneous use in the field, his company was awarded the exclusive contract to provide services in the States of Utah.

5.   Prior to Insure-Rite's adoption of its statistical analysis and inclusion of extra data fields into the driver data base, no other method provided the accuracy required by various state licensing agents. Instead they relied on insurance companies providing information with respect to vehicle coverage, which was susceptible to fraudulent usage of forged insurance cards carried to evidence insurance, and did not provide a mechanism for updating in the event of insurance coverage changes or lapsed coverage.

6.   Nothing in the Garrett method of verifying insurance on registered vehicles suggests placing the data fields comprising a driver's full name, driver's license

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number, address, and date of birth into a separate holding area and then placing these data fields into a driver database. Garret, under Claim 1(d) further requires the input of insurance policy numbers indicative of insurance in force on each vehicle. Applicant's method is not so limited, as States such as Utah do not record vehicle insurance policy numbers at the time of vehicle registration. Nor does Garrett disclose applicant's computer processing method used to generate an uninsured motorist database with in excess of 95% reliability.

7. Nor does the May et al (May, Jerrold H. "A hybrid system improves claims auditing at Blue Cross", Interfaces, Providence, November/December 1993) disclose a motor vehicle insurance method similar to applicant's method. The May Hybrid System for auditing Blue Cross health claims also does not disclose applicant's computer processing method used to generate an uninsured motorist database with in excess of 95% reliability.

8. The May health insurance claim procedure and the Garrett motor vehicle involve different industries, with entirely different databases, insurance codes, processing sequences, reviews, and claims assessment. For example, May relies heavily on co-payment verification where the co-payee pays a portion of the claims to insure the accuracy of the database. Garrett incorporates no similar data checking procedures.

9. These dissimilar May and Garrett references therefore cannot be combined in the manner suggested by the Examiner where there is nothing in the references, which suggests their combination. For example, the health industry medical review sequence of the data input and co-payment verification in Garrett is missing. Nor is there any health industry requirement to cross check insurance data and vehicle information against drivers. Such dissimilar industry practices teach away from combining these dissimilar methodologies.

10. Nor do either Garrett or May references address uninsured motor vehicle record accuracy percentages at all. Garrett does not disclose the necessity of accuracy checks required of the working database, and is therefore not functional in the field. Nor does Garrett address or discuss accuracy problems with these types of databases. It therefore does not suggest the employment of statistical sampling

methods.

11. The New York State Department of Motor Vehicles reference fails to provide any of the deficiencies discussed above with the Garrett and May references with respect to suggesting or requiring statistical sampling methods. This reference is an example of the older motor vehicle insurance methodology, which did not have sufficient statistical accuracy for field usage real time access.

12. Accuracy of the database is imperative to reduce liability arrest claims. Because of its reliability, Officers in the field may utilize applicant's invention in their squad cars every time they pullover a vehicle for a driver infraction. Decisions to apprehend a driver for lack of automobile insurance are based on Applicant's highly accurate system to avoid liability. The references cited by the Examiner do not provide this reliability for in field usage.

13. The Garrett, May, or Johnston references also do not disclose data being updated with input from motorists as well as incorporating data from the State Motor Vehicle Departments, and private insurance carriers.

14. Bosco (U.S. Patent No. 5,191,522 does not supply any of the statistical deficiencies with motor vehicle insurance methods via transmitting reports of uninsured motorists outside of a closed system. Nothing in Bosco suggests improving the ease of distribution of the method of the Garrett and May references.

15. Deppa (U.S. Patent No. 5,732,198) also does not expressly disclose the configuration of applicant's method. Nor does Deppa contain any reference to combine it with Garrett, and May to disclose electronic signal transfers of coded signals to a translator that converts the coded electronic signals into printed reports.

16. Insure-Rite's unique motor vehicle insurance method has enjoyed considerable commercial success as being the sole source supplier of uninsured motor vehicle information to the various law enforcement departments within the State of Utah.

17. In addition, Insure-Rite is presently bidding on contracts to provide insurance verification services for other states.

18. Applicant's invention and method provided the first statistically accurate

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uninsured motorist lists, which were reliable enough to be accessed on line for field detention of uninsured motorists. It therefore meets the unexpectedly improved properties not present in the prior art to establish non-obviousness. Nothing in the prior art references at the time of the invention suggested that the data lists generated by these older methods were statistically accurate.

19. Nor was there anything in these older uninsured motor vehicle method references suggesting that the Garrett type methods were sufficiently reliable for field real time usage. As the reliability problems were not disclosed in the uninsured motorist references cited by the Examiner at the time of applicant's invention, the Examiner has relied on applicant's disclosure in this regard to improperly combine the references based on applicant's own disclosure.

Dated this _6th_ day of September 2002.
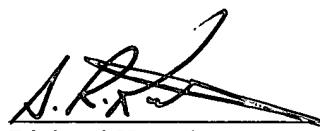
Richard Kasteler

Subscribed and sworn to before me this _6th_ day of September 2002.
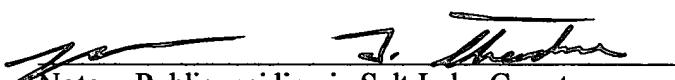
Notary Public residing in Salt Lake County

My commission expires
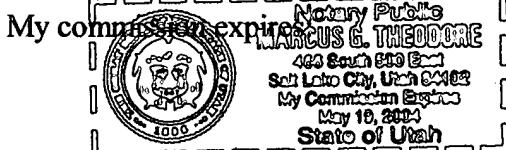
CERTIFICATE OF SERVICE

I certify that I faxed the foregoing Affidavit in Support of and First Amendment to Examiner Chance at fax no. 703-746-9220, and mailed the original to the Commissioner of Patents, Washington, D.C. 20231, postage prepaid, this _6th_ day of September 2002.

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